STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

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North Carolina Board of Transportation
Environmental Planning and Policy Committee
Meeting Minutes for November 6, 2002

A meeting of the Environmental Planning and Policy Committee (EPPC) was held on November 6, 2002 at 8:00 AM in the Board Room (Room 150) of the Transportation Building. Nina Szlosberg chaired the meeting. Other Board of Transportation members that attended were:

Mac Campbell	Doug Galyon	Nina Szlosberg
Marion Cowell	Larry Helms	Alan Thornburg
Nancy Dunn	Cam McRae	Lanny Wilson

Other attendees included:

David Allsbrook	Julie Hunkins	Ehren Meister	Mike Stanley
Adrian Blackwell	David Hyder	Ashley Memory	Jay Swain
Donnie Brew	Pat Ivey	Mike Mills	Greg Thorpe
Janet D'Ignazio	Berry Jenkins	Jon Nance	Charles Tomlinson
Lisa Glover	Neil Lassiter	Sandy Nance	Jim Trogden
Carl Goode	Emily Lawton	Ken Pace	Don Voelker
Rob Hanson	Don Lee	Benton Payne	Steve Wall
Mike Holder	Carl McCann	Allen Pope	Ron Watson

Ms. Szlosberg called the meeting to order. The meeting minutes were approved as presented.

Ms. Szlosberg introduced Janet D'Ignazio, Chief of NCDOT's Office of Planning and the Environment. The purpose of the presentation was to provide an overview of the interrelationship between land use and transportation, discuss the legal authorities regarding land use, describe how land use information and decisions enter into the transportation planning and project development process, and highlight related emerging issues.

The interaction between land use and transportation can be described as a cycle that includes the following:

- Land use change
- Increased traffic generation
- Increased traffic conflict
- Deterioration of level of service
- Road and access improvement
- Increased accessibility
- Increased land value

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Any change in one aspect is likely to affect another, and the decisions involved in the cycle are made at both the local level (changes in land use and zoning) and state level (transportation improvements). Steps of the cycle may be sequential, or steps can be skipped.

Local governments are responsible for making decisions on how growth occurs in their communities. As such, it is important that the transportation systems reflect the local growth projections. Furthermore, it is important that local land use decisions reflect the local land use plans and are in sync with the transportation plan for the area that was developed using local growth projections. Communication between NCDOT and local governments is necessary to ensure that transportation and land use plans and decisions are compatible.

In the State of North Carolina, the Legislature prescribes the specific legal authorities for land use. These authorities are:

- State delegation of land use planning and zoning to municipalities and counties (land use planning and zoning is not required in all 100 counties)
- Within coastal (CAMA) counties, area land use planning is mandated by law
- General Statute 136-66.2 (Land Development Plans are required by local areas in order to receive technical assistance from NCDOT for transportation planning)

NCDOT's goal is to understand and integrate land use decisions and information at the earliest stages. In order to fully integrate land use and transportation, NCDOT must fully understand the vision for growth and development within the area. The NC Department of Commerce (DOC) – Division of Community Assistance provides technical land use assistance to local governments, much like NCDOT provides technical assistance about transportation planning to local governments. By working closely with local governments, NCDOT can respond to local needs in a manner that compliments desired community vision and reduce the need for re-work later in the transportation planning process.

During the transportation systems planning and project development process, there are many decisions that NCDOT makes that can influence land use. These decisions, which can affect how fast people can move through an area or how easy it is to get to the adjacent land, include:

- Specific project decisions – location, type of access control, number of lanes
- Any decision that affects mobility and access, such as driveway permits, industrial access, and paving unpaved roads
- Technical assistance for long-range plans

Ms. D ''Ignazio provided an overview of how land use enters into the Transportation Decision-Making Process (both transportation systems planning and project development). The process steps are summarized as follows:

Transportation Systems Planning

1. Request or requirement for transportation systems plan update
2. Gather information and collect data
3. Analyze data
4. Develop recommendations for transportation systems plan
5. Analyze alternatives for transportation systems plan
6. Adopt transportation systems plan
7. Document systems plan

Project Development

8. Program project in TIP
9. Identify and analyze project alternatives
10. Select alternative
11. Document and design
12. Environmental permit decision
13. Decision to construct

During the presentation, Ms. D'Ignazio pointed out specific steps where the process can be strengthened either administratively or technically. Below is a summary of the land use-related information and analyses that are used in certain steps of the transportation decision-making process:

Transportation Decision-Making Process Steps	**Land Use-Related Information and Analyses**
Gather Information and Collect Data (Systems Planning)	Local use plan(s), access data, multi-modal elements, community goals and values
Analyze Data (Systems Planning)	Water and sewer plans, land use plan(s), land development regulations, regional forecasts, future land use and traffic projections
Analyze Alternatives for Systems Plan (Systems Planning and Project Development)	Community goals and objectives, verification that goals and objectives will be met and how well, recommended alternatives
Identify and Analyze Project Alternatives (Project Development)	Local land use plan(s), traffic projections, access data, community goals and values, indirect and cumulative impact assessment
Environmental Permit Decision	Greater emphasis on ramifications of cumulative and secondary impacts during permitting, relation between land use changes (indirect and cumulative impacts) and water quality, determination regarding impact on downstream water quality, decision to issue/not issue permit

One of the areas in which NCDOT has excelled is indirect and cumulative impact (ICI) assessment. North Carolina has developed the premiere guidance document on how to assess indirect and cumulative impacts. Indirect and cumulative impacts are those impacts that are likely to occur from land use changes associated with a particular transportation improvement. The assessment is a disclosure and/or acknowledgement that land use may occur and the analysis of the impact that the land use change will have on protected resources. This is a required part of the NEPA (National Environmental Policy Act) process. North Carolina is also unique in that an ICI analysis is part of the 401 Water Quality Certification decision-making process. Any project requiring a 401 Certification that will lead to land use changes and development that will cause a downstream water quality violation will not be permitted.

NCDOT has also participated in North Carolina's Smart Growth Commission, which was established by the General Assembly. There are four committees, one of which is a committee on transportation. One recommendations is that land use be required in all areas of the state. Some specific transportation goals that came from the committee were:

1. Improve land use and transportation linkages
2. Focus on transportation investments
3. Develop multi-modal transportation systems
4. Ensure transportation system interconnectivity
5. Encourage regionalism, regional transportation planning and solutions
6. Emphasize public involvement in transportation decision-making

A more comprehensive report on the transportation recommendations from the Smart Growth Commission will be made to the EPPC in the future.

The emerging land use/transportation issues include:

- The new state requirement for Transportation Plan requirements
- Establishing processes that support early consideration of land use during transportation decision-making
- Clarity of expectations around land use considerations as part of the permitting process

Ms. D'Ignazio summarized the main points of her presentation, which were:

1. there is an interdependent relationship between transportation and land use
2. land use decisions made primarily at the local level and NCDOT must communicate with local governments to understand the vision for their communities
3. efforts are underway at NCDOT to appropriately integrate land use decisions and information into the transportation decision-making process

Cam McRae asked what the difference was between a land use plan and a land development plan. Ms. D'Ignazio responded that many planners use the terms interchangeably, but that she uses "land use plan"as a broad planning term while a land development plan is a picture that depicts the development that is actually on the ground.

Mr. Thornburg asked for Ms. D'Ignazio to expound on the new transportation planning requirement for land development plans. Ms. D'Ignazio explained that a land development plan is generally not as specific as a land use plan. In addition, NCDOT expects that the newly required land development plans will show the areas where water and sewer will be provided in the future, as well as major industrial areas – areas that are more conducive for development. Land development plans are more appropriate for rural areas, as most urban areas have land use plans.

Nancy Dunn asked Ms. D'Ignazio to explain the interface between NCDOT's Statewide Planning Branch and local planners. When Statewide Planning updates or develops a new systems plan for an area, Statewide Planning requests information (projected land uses, water and sewer plans, etc.) from the local government(s). If the local government is able to supply that information, then there is not much further interaction during the information gathering and analysis stages of the process. Ms. Dunn asked how often transportation plans are updated. NCDOT uses the following as a guide:

- Urban area in a non-attainment area – every 3 years
- Urban area in an attainment area – every 5 years
- Rural areas – generally every 10 years

Ms. D'Ignazio further explained that there are not enough resources to keep up with the plan updates on this schedule, but that the Statewide Planning Branch selects high growth areas or areas where the transportation plans are outdated as higher priority areas for plan updates. This concluded Ms. D'Ignazio's presentation.

Mr. Allsbrook began by providing an update on the permanent rulemaking for the State Minimum Criteria. He stated that the Rules Review Commission had approved the State Minimum Criteria and that the rules would then go before the Legislature for final approval. He then presented information on specific projects for which the divisions have applied Items (8) and (15) of the State Minimum Criteria.

Items (8) and (15) involve the following:

- **Item (8)** – Highway or railway modernization which involves less than 10 cumulative acres of ground disturbance previously undisturbed by highway or railway construction
- **Item (15)** – Construction of a new two-lane highway involving less than 25 cumulative acres of ground surface

The State Minimum Criteria has been applied to eight projects in three divisions since July, 2002. Information provided for each project included:

- division
- county
- project number
- project description and purpose
- project length
- item under which a determination was made that the State Minimum Criteria is applicable to the project
- total ground disturbance
- amount of wetland and stream impacts,
- date the State Minimum Criteria checklist was completed

Ms. Szlosberg inquired as to how secondary and cumulative impacts are addressed for projects falling within the State Minimum Criteria. Mr. Allsbrook responded that the indirect and cumulative impact analysis process is under development and, at present, the division engineers make a judgment as to the extent of indirect and cumulative impacts likely to result from project implementation. Ms. Lisa Glover, Attorney General's Office, added that most actions falling under Item (8) are small projects that are not likely to have substantial impacts, as described in the Indirect and Cumulative Impact Guidance document that was prepared by NCDOT in collaboration with resource agencies.

Mr. Allsbrook asked the committee if there was additional information that they would like included for future tracking purposes. The committee did not offer any additional suggestions. Mr. Allsbrook stated that he would report back to the EPPC on an annual basis with this information.

NS/jh